

REMARKS

Applicants respectfully request reconsideration of the instant application in view of the foregoing amendments and the following remarks. By this Amendment/Response, claims 1, 2, 4-9, 12-34, 36, 37, 39-50 and 52-54 have been amended. Applicants submit that support for the amendments may be found throughout the originally filed specification, drawings, and claims, and that no new matter has been added by way of this Amendment/Response. Furthermore, Applicants maintain that the original claims are in condition for allowance and explicitly reserve the right to add/pursue the claims as originally filed at a later date and/or in one or more continuation applications. Claims 1-54 are currently pending.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 4-6, 8-11, 13-26, 28-35, 37-45 and 47-54 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chari et al., U.S. Patent Application no. 20040019781 (hereinafter, "Chari") in view of Liston, U.S. Patent Application no. 20040103314 (hereinafter, "Liston"); claims 3 and 7 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chari in view of Liston and in further view of Hamzy et al., U.S. Patent no. 6,941,368 (hereinafter, "Hamzy"); and claims 12, 27, 36 and 46 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chari in view of Liston and in further view of Griffiths et al., U.S. Patent no. 6,286,045 (hereinafter, "Griffiths"). Although Applicants respectfully traverse these rejections and submit that a *prima facie* case of obviousness has not been established and that the cited references, taken alone or in combination, do not discuss or render obvious every element of the pending claims,

Applicants have amended the claims to provide clarification. Amended independent claim 1 recites, *inter alia*,

A method of detecting unauthorized access attempts to a network, comprising:

...
generating a substitute return address corresponding to output of a function applied to said address, said substitute return address corresponding to a used one of a block of substitute addresses;

returning said substitute return address to said user;

...

Applicants submit that none of the cited references, taken alone or in combination, discuss or render obvious at least these elements of independent claim 1, and that the pending rejection has not established a *prima facie* case of obviousness, for at least the following reasons.

MPEP § 706.02(j) prescribes that a rejection under 35 U.S.C. § 103 should set forth:

- (i) the relevant teachings of the prior art relied upon,
- (ii) the differences in the claim over the applied references,
- (iii) the proposed modification of the applied references to arrive at the claimed subject matter, and
- (iv) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

Applicants submit that the rejections in the pending Office Action do not establish each of these requirements.

Applicants submit that the applied references, taken alone or in combination, do not discuss or render obvious every element of the pending claims and that, by over-generalizing cited references and not considering every element of the pending claims, the rejections in the January 6, 2009 Office Action do not establish at least either of the first two elements of a *prima facie* case of obviousness. By way of example only, Applicants note that

the pending rejection alleges, "Chari et al. discloses ... generating a return address corresponding to output of a function applied to said address, said return address corresponding to a used on [sic] of a block of addresses (see paragraph [0039] and FIG. 2 step 2)" (January 6, 2009 Office Action, p. 3, § 5). Applicants respectfully traverse this argument and submit that Chari's system selects an existing address of a CDN server based on a hash function applied to a requested web site and a source IP address. For example, Chari states, "the request router selects a CDN server based on the Web site and the source IP address of the client using a hash function," (Chari, ¶ 0039) and, "the request router responds with the address of the CDN server to contact" (Chari, ¶ 0040). Applicants submit that Chari's selection of an existing address for a CDN server is not analogous to "generating a substitute return address," as recited in independent claim 1. Furthermore, the address returned by the request router in Chari is the actual address of the CDN server (Chari, ¶ 0040), which is not analogous to "returning said substitute return address to said user," as recited in independent claim 1. Applicants also submit that Chari is directed to selecting an existing CDN server address and does not discuss or render obvious at least a "block of substitute addresses," as recited in independent claim 1. The MPEP prescribes that, "when evaluating the scope of a claim, *every limitation in the claim must be considered*," [§ 2106 II(C), emphasis added] and, "*All words* in a claim must be considered in judging the patentability of that claim against the prior art." [§ 2143.03, emphasis added]. Accordingly, as none of the applied references, taken alone or in combination, discuss every element of the pending claims, Applicants respectfully request reconsideration and withdrawal of this basis of rejections. Should the Examiner maintain the rejection, Applicants respectfully request clarification as to how and specifically where the Examiner believes the applied references allegedly discuss "generating a substitute return address," "a block of

substitute addresses," and "said substitute return address corresponding to a used one of a block of substitute addresses," as recited in independent claim 1.

Furthermore, Applicants submit that the rejections in the January 6, 2009 Office Action have not established why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made by failing to provide sufficient objective rationale for the proposed modification of the references and by not providing a discussion of the level of ordinary skill in the art.

By way of example only, Applicants note that the pending rejection alleges "intrusion detection and countermeasures" as motivating the proposed modifications to the cited art with respect to independent claim 1 (January 6, 2009 Office Action, p. 3, § 5). Applicants respectfully traverse this argument and submit that the pending rejection has applied impermissible hindsight in alleging a rationale for modifying the combined references that is overly general and provides no specific link between the references. The alleged rationale for the combination is a stated goal of Liston's system in itself (see, e.g., Liston, ¶ 0012: "a method and system for network intrusion prevention is provided"). Applicants respectfully submit that "intrusion detection and countermeasures" is not sufficient objective rationale to modify Chari based on Liston. The pending rejection has provided no indication of how the language cited from Liston points beyond itself to any other system, let alone to Chari's specific system. Similar rationales for modifying the cited art are provided throughout the pending rejection. Applicants further submit that, by merely citing to the reference as allegedly providing the rationale for the proposed modification, without providing further discussion or explanation as to how the citation points to the proposed modification in light of the claim as a whole, the pending rejection has effectively dissected the claim and evaluated obviousness of the proposed modification in isolation instead of in relation to the claim as a whole (see MPEP § 2106 IIC).

MPEP §2141 III states, *inter alia*, "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious," and that, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Applicants submit that the pending rejection has applied impermissible hindsight by not providing a "clear articulation of the reason(s)" for the proposed modifications of the cited art and by evaluating obviousness of the proposed modifications in isolation instead of in relation to the claim as a whole. Accordingly, Applicants respectfully request reconsideration and withdrawal of this basis of rejections. Should the Examiner maintain the rejection, Applicants respectfully request that clarification as to how the Examiner believes the stated rationales for each proposed modification specifically point to a combination of each reference with each of the other references to allegedly result in each claims as a whole.

Applicants also submit that the pending rejection has provided no indication of the level of ordinary skill in the art. MPEP § 2141 (II)(C) states, "Any obviousness rejection should include, either explicitly or implicitly in view of the prior art applied, an indication of the level of ordinary skill." The pending rejection refers to, "a person of ordinary skill in the art," (see, e.g., January 6, 2009 Office Action, p. 3, § 5) but has provided no indication or discussion of which art is described or the level of ordinary skill associated therewith. The rejection's reference to "the art" is overly general and, consequently, does not provide a specific indication of the level of ordinary skill pertinent to the claimed subject matter. MPEP § 2141.03 (III) states, "The importance of resolving the level of ordinary skill in the art lies in the necessity of maintaining objectivity in the obviousness inquiry." Applicants submit that impermissible hindsight has been applied in asserting obviousness of the various claim elements without providing an indication of the level of ordinary skill. As such, Applicants respectfully request that, if the Examiner maintains this rejection, the Examiner discuss the

level of ordinary skill in the art at the time of the invention and clarify how the claimed subject matter would have been obvious to one possessing that level of skill.

Although of different scope than claim 1, Applicants submit that claim 21 is patentable over Chari in view of Liston for at least similar reasons as discussed above identifying deficiencies in Chari and Liston with regard to independent claim 1. For example, amended claim 21 recites, *inter alia*:

A computer-readable medium containing instructions for controlling a processor to detect unauthorized access to a network by:

...
generating a substitute return address corresponding to output of a function applied to said address, said substitute return address corresponding to a used one of a block of substitute addresses;
returning said substitute return address to said user;

...

Applicants respectfully submit that at least these claim elements from independent claim 21 are not discussed or rendered obvious by Chari or Liston, taken alone or in combination, as discussed above. Accordingly, Applicants respectfully request reconsideration and withdrawal of this basis of rejections.

Although of different scope than claim 1, Applicants submit that claim 30 is patentable over Chari in view of Liston for at least similar reasons as discussed above identifying deficiencies in Chari and Liston with regard to independent claim 1. For example, claim 30 recites, *inter alia*:

A system for detecting unauthorized access attempts to a network, comprising:

...
means for generating a substitute return address corresponding to output of a function applied to said address, said substitute return address corresponding to a used one of a block of substitute addresses, said means for generating including a processor programmed to apply said function to said address;
means for returning said substitute return address to said user;

...

Applicants respectfully submit that at least these claim elements from independent claim 30 are not discussed or rendered obvious by Chari or Liston, taken alone or in combination, as discussed above. Accordingly, Applicants respectfully request reconsideration and withdrawal of this basis of rejections.

Although of different scope than claim 1, Applicants submit that claim 39 is patentable over Chari in view of Liston for at least similar reasons as discussed above identifying deficiencies in Chari and Liston with regard to independent claim 1. For example, claim 39 recites, *inter alia*:

A computer program, disposed on a computer-readable medium, for enabling detection of unauthorized access attempts to a network, said computer program including instructions for causing a processor to:

...
generate a substitute return address corresponding to output of a function applied to said address, said substitute return address corresponding to a used one of a block of substitute addresses;
return said substitute return address to said user;

...

Applicants respectfully submit that at least these claim elements from independent claim 39 are not discussed or rendered obvious by Chari or Liston, taken alone or in combination, as discussed above. Accordingly, Applicants respectfully request reconsideration and withdrawal of this basis of rejections.

Furthermore, Applicants submit that claims 2-20, 22-29, 31-38 and 40-54, which are directly or indirectly dependent independent claims 1, 21, 30 and 39 respectively, are also not discussed or rendered obvious by Chari and Liston for at least similar reasons to those discussed above identifying deficiencies in Chari and Liston with regard to the independent claims. Furthermore, Applicants submit that neither Hamzy, which describes enforcing serving of prerequisite web resources before serving a requested web resource, nor Griffiths, which describes systems for providing advertisements on web sites, remedy the deficiencies

identified above in Chari and Liston with respect to the independent claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of this basis of rejections.

Conclusion

In summary, Applicants submit that independent claims 1, 21, 30 and 39 are patentably distinct from the applied references, taken alone or in combination, for at least the reasons discussed above. Applicants submit that claims 2-20, 22-29, 31-38 and 40-54, which are directly or indirectly dependent from independent claims 1, 21, 30 and 39 respectively, are also distinct from the applied references, taken alone or in combination, for at least the reasons discussed above.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future. Furthermore, although Applicants have amended claims 1, 2, 4-9, 12-34, 36, 37, 39-50 and 52-54 herein, Applicants submit that the originally filed claims are also directed to statutory subject matter. As such, Applicants reserve the right to pursue the originally filed claims in one or more continuation application(s). Accordingly, Applicants respectfully request reconsideration/further examination of the instant application in view of the foregoing Amendments/Remarks.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 19161-010.

In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 19161-010.

Respectfully submitted,

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Dated: March 23, 2009

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